

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>02/28/06</u>		2 Serial/Patent # <u>10/644,333</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT.							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition	—	01/13/06	\$ 130							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
			7 TOTAL AMOUNT OF REFUND								
			\$ 130								
8 TO BE REFUNDED BY:											
		Treasury Check									
		Credit Deposit A/C #:									
		9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px;">0</td> <td style="width: 20px;">2</td> <td style="width: 20px;">--</td> <td style="width: 20px;">2</td> <td style="width: 20px;">9</td> <td style="width: 20px;">5</td> <td style="width: 20px;">5</td> </tr> </table>			0	2	--	2	9	5	5
0	2	--	2	9	5	5					
10 REASON:											
	Overpayment										
	Duplicate Payment										
<input checked="" type="checkbox"/>	No Fee Due (Explanation):										
<p style="font-size: 1.2em;">The Notice of Abandonment was withdrawn.</p>											
11 REFUND REQUESTED BY: <u>C.T. Donnell</u>											
TYPED/PRINTED NAME: <u>C. T. Donnell</u>			TITLE: <u>Pet. Atty</u>								
SIGNATURE: <u>C. T. Donnell</u>			PHONE: <u>272-3211</u>								
OFFICE: <u>4700</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u><i>[Signature]</i></u>			DATE: <u>2/28/06</u>								

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:



DAC/IFW

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Bernd DISSE

Serial No.: 10/644,333

Filed: 08/20/2003

Docket: 1/1196-1-C1

For: Compounds For Treating Inflammatory Diseases

Petition to Revive Application as Abandoned Under 37 C.F.R. § 1.181(a)(1)

Dear Sir:

This is a petition to revive U.S. Patent Application 10/644,333, filed on August 20, 2003, (hereinafter "the Application")

- I. **The U.S.P.T.O. has the authority to withdraw the holding of abandonment based on failure to receive office action. See *Delgar. V. Schulyer*, 172 USPO 513 (D.D.C. 1971):**

In ***Delgar. V. Schulyer*, 172 USPO 513 (D.D.C. 1971)**, the court decided that the office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicants's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

II. The Showing Requirement:

The showing required to establish nonreceipt of an Office communication must include:

- (a) a statement from the practitioner stating that the Office communication was not received by the practitioner; and
- (b) attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
- (c) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

01/17/2006 NNGUYEN1 00000001 022955 10644333

01 FC:1464 130.00 DA

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Adjustment date: 02/28/2006 CKHLOK
01/17/2006 NNGUYEN1 00000001 022955 10644333
01 FC:1464 130.00 CR

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